

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI**

ROBERT EARL FOSTER,)	
)	
Plaintiff,)	
v.)	Case No. 2:12-CV-04324-FJG
)	
JOHN DOE, et al.)	
)	
Defendants.)	

ANSWER OF DEFENDANT DAN WRIGHT

Defendant Dan Wright states the following for his answer to plaintiff's complaint:

- I. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph I.
- II. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph II and all subparagraphs thereof. In addition, defendant states that although plaintiff makes reference to page 1a in paragraph II, no page 1a was attached to the copy of the complaint served upon defendant.
- III. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph III.
- IV. Defendant admits the allegations contained in paragraph IV.
- V. Defendant admits that plaintiff requests damages in the form of money and in the amounts alleged in paragraph V, but denies that plaintiff is entitled under the facts and/or law to recovery of any amount of damages from this defendant.
- VI. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph VI.

VII. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph VII and all subparagraphs thereof.

VIII. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph VIII and all subparagraphs thereof.

IX. Defendant admits that plaintiff was apprehended by one or more law enforcement officers in the City of Columbia, Missouri on June 26, 2011 and defendant further states that plaintiff was apprehended after assaulting his former girlfriend with a firearm. Defendant denies all other allegations contained in paragraph IX, subparagraphs A and B.

X. Defendant denies the allegations contained in paragraph X.

XI. Defendant admits the allegations contained in paragraph XI, subparagraph A. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph XI, subparagraphs B and C.

DEFENSES

1. Plaintiff's complaint fails to state a claim upon which relief can be granted against this defendant.
2. Plaintiff's claim is barred by the doctrine of qualified immunity in that whatever actions, if any, defendant engaged in with reference to plaintiff were undertaken reasonably, and were not in violation of an clearly established rights secured for plaintiff by the Constitution of the United States.
3. To the extent that plaintiff's action calls into question any of plaintiff's convictions, plaintiff's claim is barred by the doctrine of *Heck v. Humphrey*, 512 U.S. 477 (1994).

4. On information and belief, plaintiff has failed to mitigate whatever damages, if any, plaintiff may have incurred by reason of the matters alleged in plaintiff's complaint.
5. Plaintiff's claim for punitive damages against defendant denies defendant's rights to due process, equal protection, and freedom from excessive fines as secured by the Constitutions of the United States and the State of Missouri.

WHEREFORE, having fully answered plaintiff's complaint, defendant Dan Wright prays this Court enter its order dismissing plaintiff's complaint with prejudice, awarding defendant his costs and reasonable attorney fees pursuant to 42 U.S.C. § 1988(b), and granting defendant such further relief as this Court deems proper.

Respectfully submitted,

KING, KREHBIEL & HELLMICH, LLC

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Attorneys for Defendant Dan Wright

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 21, 2013, a true and accurate copy of the foregoing was filed with the Clerk of the Court using the CM/ECF electronic filing system. A hardcopy was served, via U.S. Mail, postage prepaid, upon:

Robert Earl Foster
Plaintiff Pro Se
23440-045
Leavenworth Detention Center
100 Highway Terrace
Leavenworth, KS 66048

/s/ Robert J. Krehbiel